

10/043873

PTO Dated: 9-23-04

Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 7-22-04 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

1. Amendments to the specification:

- A. Amended paragraph(s) do not include markings.
- B. New paragraph(s) should not be underlined.
- C. Other _____

2. Abstract:

- A. Not presented on a separate sheet. 37 CFR 1.72.
- B. Other _____

3. Amendments to the drawings: Drawings should read "Replacement Sheet" or "Annotated Sheet" in the margin

4. Amendments to the claims:

- A. A complete listing of all of the claims is not present.
- B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
- C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following 7 status identifiers: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New) and (Not entered).
- D. The claims of this amendment paper have not been presented in ascending numerical order.
- E. Other: "As Filed" is not a proper status identifier
Double brackets "[]" should be used to delete text not single brackets

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given ONE MONTH from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is not extendable.

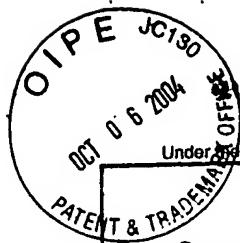
If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a **TIME PERIOD** of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

Veronica Augbun
Legal Instruments Examiner (LIE)

5712720988

Telephone No.



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

PTO/SB/02 (08-03)

Approved for use through 07/31/2006. OMB 0561-0031
Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Re: SN 10/043,873
Filed: Jan 10, 2002
Atty Docket: Free-11

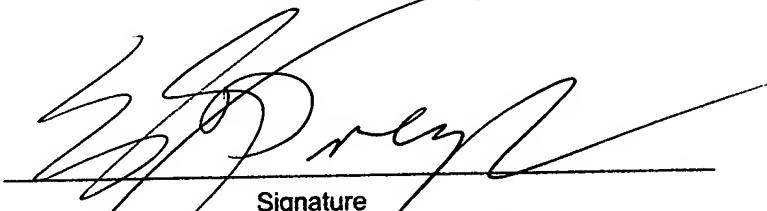
Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on October 4, 2004
Date

1. Supplemental Amendment & Response
2. Supplemental Letter to Chief Drafts - Person
3. Copy Notice of Non-Compliant Amendment
4. Post Card


Signature

Edward Dreyfus Reg No. 22382

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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BEFORE THE
UNITED STATES PATENT & TRADEMARK OFFICE

U.S. Patent Application: 10/043,873
Filing Date: January 10, 2002
Title: COFFE ROASTER AND METHOD
Docket: FREE - 11

Hon. Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

ART UNIT: 1761

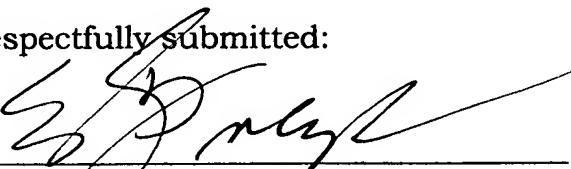
SUPPLEMENTAL LETTER TO CHIEF DRAFTSPERSON

This communication is in response to the Office communication dated September 23, 2004 and supplements the LETTER TO CHIEF DRAFTSPERSON filed July 22, 2004.

Applicant requests the corrections marked in red on the attached "Annotated sheet(s)" of drawings (1/4 and 2/4) be approved and that the formal two "Replacement Sheet(s)" filed herewith be entered and substituted for the original two sheets of drawings as originally filed.

In the event prosecution of this matter can be advanced efficiently with a phone conference, it is requested that the undersigned attorney be called at 908-0233-4666.

Respectfully submitted:


Edward Dreyfus, Esq.
608 Sherwood Pkwy
Mountainside, NJ 07092

date

Oct 3, 2004

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